

REMARKS

DOUBLE PATENTING REJECTION

The Examiner rejected claims 1-15, 17-20 and 22-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,632,571 B2 (Noh). Applicants herein file a terminal disclaimer to overcome the double patenting rejection.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicants requests entry of this Rule 116 Response and Request for Reconsideration because:

It is believed that the filing of the Terminal Disclaimer puts this application into condition for allowance as suggested by the Examiner.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

CONCLUSION

In accordance with the foregoing, a terminal disclaimer is filed herewith. The claims have not been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending and under consideration. Reconsideration is respectfully requested.

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all

pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Response should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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